

**Delta Mercury Control Program
Methylmercury TMDL and Basin Plan Amendment
Principles**

Note: The principles are in **bold** text. Several of the principles include factual underpinnings to support the principle.

1. **Phase 1 studies should address both THg and MeHg from all sources. Reasonable control options should be implemented during Phase 1 for THg and/or MeHg.**

While many producers of MeHg have no control over the THg source underpinning MeHg production, there is common commitment among the stakeholders to address both MeHg and inorganic Hg given practical control options. MeHg is the threat and common concern. There are several potential methods to reducing MeHg concentrations in ambient water: reducing the inorganic mercury that supplies methylation sites (i.e., reduce the inorganic Hg levels in Delta sediments); and managing the methylation sources themselves to reduce MeHg discharges, either by reducing the overall volume of discharge from the methylation sites or by implementing management practices to reduce the MeHg concentration in the discharge. While reducing sources of THg and controlling transport leads to reducing MeHg over the long term, reducing local MeHg sources and ambient concentrations can have rapid, local benefits, but MeHg is not conservative.

2. **Phase 1 control studies should develop knowledge for effectively controlling MeHg.**

There is limited knowledge on how to control MeHg production and discharge.

3. **The document should state the shared current understanding of the ability to control THg and MeHg sources to attain allocations and fish tissue objectives. The TMDL source control requirements should be based on that understanding and the results of the Phase 1 studies, and be reasonable.**
4. **The mercury control program should be adaptable.**
5. **The mercury control program should implement reasonable, feasible actions to address MeHg loads/production and human/wildlife exposure in the near-term.**
6. **The mercury control program should incorporate long-term stakeholder involvement in the control studies, Technical Advisory Committee, and upstream TMDLs.**

"Involvement" means development, implementation, and review.

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- 7. The control program should create incentives and encourage innovative actions to address the accumulation of MeHg in fish tissue and reduce MeHg exposure, including watershed approaches, offsets projects, and short and long-term actions that result in reducing THg and MeHg.**
- 8. Innovative and creative solutions such as offsets should not substitute for reasonable actions to address local impacts.**

MeHg contamination of fish is a common concern and causes disproportionate harm to some vulnerable communities.

- 9. The fish tissue objectives and the attainability of the allocations should be re-evaluated based on the findings of Phase 1 control studies.**

The Regional Board will develop a Phase 2 TMDL staff report (peer-reviewed, open to public comment) based on the Phase 1 study results. This report would revisit the allocations, linkages, and fish tissue objectives. This staff report would be open to public comment and a decision on it would be made by the Board before moving forward with Phase 2.

- 10. The implementation plan should include methods to assess magnitude of different MeHg and THg sources, and prioritize study and control actions, if and when it is not feasible to pursue those actions simultaneously.**
- 11. The methylmercury characterization and control studies should be subject to independent review.**
- 12. The geographic scope of the Phase 1 mercury control studies and allocations should be downstream of major dams.**

"Major dam" refers to the most downstream dam that has a significant effect on impeding flood flow and retaining sediment.

Regional Board staff will continue to develop TMDLs upstream of the dams.

It is not the intent of this Principle to limit upstream beneficial studies and projects.

- 13. The mercury control program should recognize, address, and account for the need to balance the multiple competing and conflicting interests and projects in the Delta, such as habitat restoration, flood protection, and water supply.**

The "exemptions" list has been started and may need to be reviewed as discussions with various stakeholders continue.

- 14. All major sources of methylmercury should be given allocations in Phase 1.**

The State of CA (State Lands Commission and DWR) owns and manages lands and waters of the state that contribute to MeHg loads.